

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3609 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

- =====
1. Whether Reporters of Local Papers may be allowed : YES  
to see the judgements?
  2. To be referred to the Reporter or not? : YES
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

-----  
VITHALBHAI DALSUKHBHAI SUTHAR

Versus

DENA BANK

-----  
Appearance:

MR R.J. OZA, Advocate for Petitioner

MR PRASHANT G DESAI for Respondent No. 1, 2

-----  
CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 22/02/2000

ORAL JUDGEMENT

The petitioner Union apprehended action of deduction of wages for staying away from work between 11.00 AM to 11.30 AM on 17.6.1988, while the members of the petitioner Union were agitating on some point. The petitioners have challenged the communication dated

16.6.1988 at Annexure "B" to the petition. The said communication dated 16.6.1988 addressed to the Branch Managers of all the Branches under the metropolitan region of Ahmedabad reproduces the message conveyed by the higher authorities that erring employees who remained absent unauthorisedly and participated in the demonstration during the office hours between 11.00 AM to 11.30 AM as announced, should be dealt with severely. It further conveyed that wage deductions on the principle of no work, no pay and also disciplinary action should be initiated against them.

It is clear that no action was taken pursuant to this general instruction issued by the higher authorities. Ad-interim relief against the said communication was granted only on 13.7.1988 in this petition. Many years have passed by and though even it was half an hour agitation during office hours, it cannot be countenanced. However, since no action has been taken all these years, the petitioners need not apprehend that at this distant point of time any action will be taken without hearing them. There is nothing brought on record by the respondent which would identify the employees who actually participated during that half an hour agitation. Admittedly all of them reported at about 11.30 AM and some of them may have remained absent due to reasons not connected with the said agitation. Therefore, the apprehension of the petitioners may not now survive. If and when any action is taken by the respondents, the petitioners can suitably challenge the same. Rule is discharged with no order as to costs. Interim relief stands vacated.

----

\*/Mohandas